

R.R.S. Neb. § 86-803 (1995)

subsections (4) and (7) of this section.

(12) Any order of the commission entered pursuant to authority granted in sections 86-801 to 86-811 may be appealed by any party to the proceeding in accordance with sections 75-136 to 75-139.

\$HISTORY: Laws 1986, LB 835, § 3; Laws 1991, LB 286, § 1; Laws 1991, LB 618, § 4.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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*** CURRENT THROUGH THE 1995 FIRST SESSION OF THE LEGISLATURE ***

CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-804 (1995)

§ 86-804. Commission; provide annual report; contents

The commission shall provide the Legislature with an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall describe: (1) The quality of telecommunications services being provided to the citizens of Nebraska; (2) the availability of diverse and affordable telecommunications services to all of the people of Nebraska; and (3) the level of rates of local exchange companies and interexchange telecommunications companies. The report also shall address the question of the need for further legislation to achieve the purposes of sections 86-801 to 86-811.

HISTORY: Laws 1986, LB 835, § 4; Laws 1991, LB 286, § 2.

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CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-805 (1995)

§ 86-805. Inter-LATA interexchange services; certificate authorizing; application; procedures; prior authorization; effect

(1) The commission may issue a certificate authorizing any telecommunications company which so applies to the commission to offer and provide inter-LATA interexchange services, which application shall include such information as may be required by the commission under duly adopted and promulgated rules and regulations. The commission may as a precondition to certification: (a) Require the procurement of a performance bond sufficient to cover amounts due or to become due to other telecommunications companies providing access to the local exchange networks for the applicant; and (b) require the procurement of a performance bond sufficient to protect any advances or deposits the telecommunications company may collect from its customers or order that such advances or deposits be held in escrow or trust.

(2) The commission may deny certification to any telecommunications company which:

(a) Does not provide the information required by the commission;

(b) Fails to provide a performance bond, if required;

(c) Does not possess adequate financial resources to provide the proposed service; or

(d) Does not possess adequate technical competency to provide the proposed service.

(3) The commission shall take action to approve or issue a notice of hearing concerning any application for certification within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application only after a hearing.

(4) Any telecommunications company or an affiliate thereof that has been authorized by the commission to offer an interexchange service prior to January 1, 1987, shall continue to have such authority, and it shall not be necessary for such telecommunications company to make a new application to provide the service previously authorized by the commission.

HISTORY: Laws 1986, LB 835, § 5.

R.R.S. Neb. § 86-805 (1995)

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-806 (1995)

§ 86-806. Intrastate interexchange service; abandoned or discontinued; when

No telecommunications company which provides intrastate interexchange service may abandon or otherwise discontinue such service in or to a local exchange area which it serves unless:

(1) The commission finds upon application and hearing that one or more other telecommunications companies are furnishing comparable service to the subscribers in such local exchange area at the time of abandonment; and

(2) The telecommunications company discontinuing service to such local exchange area:

(a) Notifies its subscribers in the local exchange area in writing of the abandonment, which notice shall be sent at least thirty days prior to the effective date of such abandonment;

(b) Refunds any unused prepaid subscription charges or other unused prepaid charges to each customer in the local exchange area prior to the effective date of the abandonment; and

(c) Prior to the effective date of the abandonment, reimburses its customers in the local exchange area for service charges which its customers incur in obtaining substitute service from another telecommunications company or, in lieu thereof, pays other telecommunications companies directly for such service charges on behalf of its customers making changes in their services as a result of the abandonment.

HISTORY: Laws 1986, LB 835, § 6.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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*** CURRENT THROUGH THE 1995 FIRST SESSION OF THE LEGISLATURE ***

CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-807 (1995)

§ 86-807. Regulatory requirements; commission; powers; telecommunications company; minimum requirements

(1) Except for requirements established by statute, the commission may limit, remove, or waive regulatory requirements for telecommunications companies when it determines that competition will serve the same purposes as public interest regulation. The commission may revoke any waivers it grants or reinstate regulations if such revocation or reinstatement would protect the public interest upon a finding that the telecommunications company is restricting market output, impairing customer interest, or engaging in unlawful anticompetitive activity.

(2) A telecommunications company shall at a minimum:

(a) Keep its accounts according to rules and regulations adopted and promulgated by the commission;

(b) File financial reports with the commission as required by and in a form and at times prescribed by the commission;

(c) Keep on file at the commission such current price lists and service standards as the commission may require; and

(d) Cooperate with commission investigations of customer complaints.

HISTORY: Laws 1986, LB 835, § 7.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-808 (1995)

§ 86-808. Commission; nonregulated activities

The commission shall not regulate the following:

(1) One-way broadcast or cable television transmission of television or radio signals; and

(2) Mobile radio services, radio paging services, and cellular services.

HISTORY: Laws 1986, LB 835, § 8.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-809 (1995)

§ 86-809. Local regulation; preempted and prohibited

Sections 75-109, 75-604, 75-609, and 86-801 to 86-811 shall preempt and prohibit any regulation of a telecommunications company by counties, cities, villages, townships, or any other local governmental entity.

HISTORY: Laws 1986, LB 835, § 9.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES
ARTICLE 8. TELECOMMUNICATIONS

R.R.S. Neb. § 86-810 (1995)

§ 86-810. Local tax or fee; pro rata billing

Whenever any municipality or any other local governmental entity imposes upon a telecommunications company any tax or fee, such tax or fee shall, insofar as practicable, be billed pro rata to the telecommunications company's customers receiving communications services within the territorial limits of such municipality or other local governmental entity.

HISTORY: Laws 1986, LB 835, § 10.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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*** THIS SECTION IS CURRENT THROUGH THE 1995 SUPPLEMENT ***
*** (FIFTY-FOURTH LEGISLATIVE ASSEMBLY (1995)) ***

TITLE 49. PUBLIC UTILITIES
CHAPTER 49-21. TELECOMMUNICATIONS COMPANIES

N.D. Cent. Code, @ 49-21-01.1 (1995)

@ 49-21-01.1. Inapplicability of provisions of chapter

Telecommunications service does not include and the provisions of this title do not apply to:

1. The one-way transmission of radio or television signals for broadcast purposes, including the one-way transmission of video programming or other programming service by a cable system as well as subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

2. A hospital, hotel, motel, or similar place of temporary accommodation owning or operating message switching or billing equipment solely for the purpose of reselling telecommunications services to its patients or guests.

3. Telegraph service.

4. Except as provided in section 49-21-01.5, home, business, and coinless or coin-operated public or semipublic telephone terminal equipment and the use of such equipment.

5. The lease of telecommunications equipment by a telecommunications company from a person whose business is the leasing or sale of such equipment

7. Inside wire and premise cable installation and maintenance.

8. Directory services which are not essential, such as "yellow pages" advertising and boldface or color listings in "white pages".

HISTORY: SOURCE: S.L. 1985, ch. 515, @ 13; 1989, ch. 566, @ 3; 1993, ch. 469, @ 2; 1995, ch. 451, @ 1.

NOTES:

EFFECTIVE DATE.

The 1995 amendment of this section by section 1 of chapter 451, S.L. 1995 became effective August 1, 1995.

The 1989 amendment of this section became effective on July 18, 1989, 90 days after filing, pursuant to N.D. Const., Art. IV, @ 13.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE INVESTIGATION)	ORDER RECLASSIFYING
INTO THE RECLASSIFICATION OF)	VARIOUS
TELECOMMUNICATIONS SERVICES.)	TELECOMMUNICATIONS
		<u>SERVICES</u>

(TC92-026)

At its February 11, 1992, public meeting, the Public Utilities Commission (Commission) voted to open a docket on the possible reclassification of various telecommunications services. After the enactment of SB 42 by the 1988 Legislature, the Commission opened its first classification proceedings to review the classifications assigned by the Legislature to various telecommunications services. Pursuant to SDCL 49-31-3.3, the Commission opened Dockets F-3741, F-3742, F-3743 and F-3744. The Commission held hearings in January 1989, for services listed in each Docket. Pursuant to the record in each Docket, the Commission issued orders, and amended orders in some of the Dockets, classifying the telecommunications services which were the subjects of each docket. The Commission reviewed the classifications of the following telecommunications services in each docket: Docket F-3741, intra and interLATA private line and special access services; Docket F-3742, cellular radio service, premise cable and inside wire, billing and collection services and centron and centron-like services; Docket F-3743, inter and intraLATA message telecommunications service (MTS), inter and intraLATA wide area telecommunications service (WATS) and inter and intraLATA new products and services; and Docket F-3744, call waiting, call forwarding, speed calling, 3-way calling, direct inward dialing, intracall, automatic identified outward dialing, Touch-Tone and remote call forwarding.

In this proceeding, the Commission reviews its initial classifications of inter and intraLATA private line and special access services, centron and centron-like services (centrex), inter and intraLATA MTS and WATS services and Touch-Tone. Further, the Commission reviews for the first time radio common carriers, improved mobile telephone service (IMTS), public and semi-public payphone and listing services.

The Commission's Order Opening Docket, dated February 26, 1992, directed that Docket TC91-064 (The Investigation into the Reclassification of Radio Common Carriers) be merged with this Docket and all parties be granted intervention, per Amended Order Granting Interventions, dated August 30, 1991, shall be parties to this Docket. Thus, Golden West Tele-Tech, Inc. (Golden West), U S

the fully competitive classification is implemented.

FURTHER ORDERED, that public and semi-public payphone services shall be classified as fully competitive, with the exception of PAL services offered by LECs which shall remain noncompetitive.

FURTHER ORDERED, that USWC shall impute its tariffed PAL rates and usage charges to the offering of its public and semi-public payphone services.

FURTHER ORDERED, that Centrex-type services shall be reclassified as fully competitive, except for the local loop which shall remain noncompetitive.

FURTHER ORDERED, that Touch-Tone services shall be reclassified as noncompetitive.

FURTHER ORDERED, that listing services shall be classified as fully competitive.

FURTHER ORDERED, that USWC, and all other telecommunications companies subject hereto, shall file the appropriate tariff sheets with the Commission within 30 days to implement the provisions of this order.

Pursuant to SDCL 1-26-32, this Order shall become effective ten days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 2nd day of November, 1992.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: <u>Stephanie Stacking</u></p> <p>Date: <u>November 2, 1992</u></p> <p>(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Kenneth Stofferahn
KENNETH STOFFERAHN, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner
(Dissenting on the delayed implementation of a fully competitive classification for RCCs only)

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*** THIS SECTION IS CURRENT THROUGH THE 1996 SUPPLEMENT ***
*** (1996 REGULAR SESSION) ***

TITLE 37. PUBLIC UTILITIES
CHAPTER 15. TELECOMMUNICATIONS
ARTICLE 1. GENERAL PROVISIONS

Wyo. Stat. @ 37-15-104 (1996)

@ 37-15-104. Services not regulated by this title

(a) Except for contributions to the universal service fund required pursuant to W.S. 37-15-501, telecommunications service does not include, and the provisions of this title do not apply to:

(i) One-way transmission of radio or television signals for broadcast purposes, including the one-way transmission of video programming by a cable television or other system as well as subscriber interaction which is required for the selection of video programming;

(ii) Except as provided in this paragraph, home and business and coinless, or coin operated public or semipublic telephone terminal equipment, and the use, location and charges for the use of such equipment. The commission may regulate the location of and charges for coinless or coin operated public or semipublic telephone terminal equipment in areas of the state which the commission finds are not subject to competition for such equipment;

(iii) Any billing and collection services;

(iv) Any inside wire and premise cable installation and maintenance;

(v) Directory services, except as provided in W.S. 37-12-130;

(vi) Except for the quality of cellular service to the extent not preempted by federal law, telecommunications services using radio spectrum or cellular technology;

(vii) Video dial tone and multimedia services;

(viii) Private telecommunications networks, which for the purposes of this act shall mean a system for the provision of telecommunications service by a

person or entity for the sole and exclusive use of the person or entity and not for resale directly or indirectly;

(ix) Nonvoice data services not operated by a company providing local exchange service;

(x) Networks established by a person other than the local exchange company providing essential telecommunications services within the local exchange area to provide access to interexchange carrier services;

(xi) Except as provided in this paragraph, direct inward dial services and other services needed by answering services and paging services. To the extent not preempted by federal law or regulation the commission shall regulate direct inward dial services and other services needed by answering services and paging services as noncompetitive services in any local exchange area until there are at least two (2) telecommunications companies effectively offering direct inward dial and other needed services to the answering services and paging services serving that local exchange area;

(xii) Remote meter reading; and

(xiii) Any other telecommunications service that is not regulated by this title.

HISTORY: Laws 1995, ch. 181, @ 1; W.S. 1977, @ 37-14-104.

NOTES:

EDITOR'S NOTES. --There is no subsection (b) in this section as it appears in the printed acts.

Laws 1995, ch. 181, @ 1, enacted this chapter as chapter 14, but it was redesignated chapter 15 since a chapter 14 of this title already exists. The bracketed references have been added to reflect this redesignation.

USER NOTE: For more generally applicable notes, see notes under the first section of this division, subarticle, article, chapter or title.